

REMARKS

Applicant respectfully requests consideration of the subject application. This Response is submitted in response to the Office Action mailed June 8, 2006. Claims 1, 3-12, and 14-22 stand rejected. In this Amendment, claims 1 and 12 have been amended. No new matter has been added.

35 U.S.C. § 112 Rejections

The Examiner has rejected claims 1, 3-12, and 14-22 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicant notes that “The subject matter of the claim need not be described literally (i.e., using the same terms or *in haec verba*) in order for the disclosure to satisfy the description requirement.” MPEP § 2163.02.

Applicant points the Examiner to Figures 1 and 2 of the specification for support for the phrase “functions not shown in the digital display.” Figure 1 shows a display 14 which shows song title, track time (location indicator 17) and battery level 19. Figure 2 shows volume buttons 16, 18 and control knob 20.

A skilled artisan would be aware that a volume level is not shown on display 14 and the functionality of the control knob 20 (for example, to select tracks) is also not explicitly shown on display 14. Thus, the phrase “functions not

shown in the digital display” is supported by the specification, as evidenced by Figures 1 and 2.

Applicant submits that the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date, Applicant was in possession of the invention as presently claimed.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1, 3-12, and 14-22 under 35 U.S.C. § 112 first paragraph, as failing to comply with the written description requirement.

35 U.S.C. § 102 Rejections

The Examiner has rejected claims 1, 3-12, and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Want et al. (U.S. Patent No. 5,825,675, hereinafter “Want”).

In offering the following remarks, Applicant is not admitting that any particular cited reference is in fact prior art to the invention, and expressly reserves the right to swear behind one or more references. Further consideration of the application is respectfully requested.

The Examiner has considered Applicant’s arguments filed March 21, 2006, but considers the arguments to be not persuasive. The Examiner stands by the

initial opinion of the invention being anticipated by Want. However, Applicant submits that independent claims 1 and 12, as amended, are allowable as follows:

Applicant has amended claims 1 and 12 to clarify the scope of the claims and clearly distinguish the present invention from Want. Specifically, the features of “menu display to the left/right” have been deleted.

Claims 1 and 12 now recite reversal of an operation function such as, for example, volume control or track selection, where there is no indication on a display in relation to the operation function per se. The result of invoking an operation function may appear on the display (for example, when selecting tracks), but it is apparent that the operation function being reversed does not appear on the display.

It should be noted that Want does not teach or suggest the remapping or reversal of operation functions, such as, for example, track selection and volume control.

The buttons in Want are used to control/select items shown in the display and not functions inherent in a device. In contrast, in the presently claimed invention, the buttons are used to control/select functions inherent in a device. In the presently claimed invention, the reversal of an operation function aids in maintaining an identical feel of the portable digital device regardless of the hand

holding the portable digital device. That is, a user will not get confused by a relative positioning of controls of the portable digital device regardless of the hand holding the portable digital device. There is no necessity to refer to any display, as the reversal of an operation function(s) makes the controls somewhat intuitive and ultimately more convenient for a user.

In this regard, Applicant submits that the cited art fails to teach or suggest all of the limitations of independent claims 1 and 12. As claims 6 – 7, 10 – 11, 17 – 18 and 21 – 22 depend, directly or indirectly, from independent claims 1 or 12, claims 6 – 7, 10 – 11, 17 – 18 and 21 – 22 are also patentable over the cited art.

Applicant, accordingly, respectfully requests withdrawal of the rejections of claims 1, 3-12 and 14-22 under 35 U.S.C. § 102(b) as being anticipated by Want.

Applicant respectfully submits that the application is in condition for allowance, and respectfully requests the early issuance of a Notice of Allowance. If the Examiner believes a telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Stephen M. De Klerk at (408) 720-8300.

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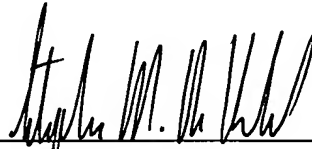
No. 02-2666. Any necessary extension of time for response not already requested

is hereby requested. Please charge any corresponding fee to Deposit Account

No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

A handwritten signature in black ink, appearing to read 'Stephen M. De Klerk', is written over a horizontal line.

Dated: September 22, 2006

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